

The September 22, 2010 OWCP decision referenced the initial development letter and noted that “[n]o further evidence was received” within the 30-day period following the date of the request. OWCP denied appellant’s claim because causal relationship, a crucial element of her claim, has not been established by the medical evidence.

The record indicates, however, that on July 26, 2010, appellant had in fact submitted additional evidence. This included two medical reports, one dated October 14, 2009 from Dr. Ted. L. Sussman, and another from Dr. Julie A. Long, dated January 5, 2010. Both these reports contained a diagnosis of appellant’s physical condition, and referenced her employment when discussing her claimed condition. Both documents were received by OWCP on July 27, 2010.

The Board finds that OWCP, in its September 22, 2010 decision, did not review the October 14, 2009 report from Dr. Sussman and the January 5, 2010 report from Dr. Long that were received by OWCP on July 27, 2010. For this reason, the case will be remanded to OWCP to enable it to properly consider all the evidence submitted at the time of the September 22, 2010 decision. Following such further development as OWCP deems necessary, it shall issue an appropriate decision on the merits of the claim.

IT IS HEREBY ORDERED THAT the September 22, 2010 decision of the Office of Workers’ Compensation Programs be set aside. The case is remanded for further proceedings consistent with this order of the Board.

Issued: August 12, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees’ Compensation Appeals Board

Alec J. Koromilas, Judge
Employees’ Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees’ Compensation Appeals Board